



DIVISION OF INSPECTOR GENERAL

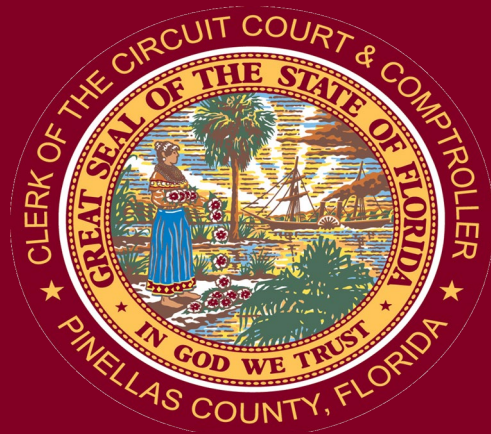
Ken Burke, CPA

Clerk of the Circuit Court and Comptroller
Pinellas County, Florida



AUDIT OF THE CLERK'S OFFICE INTERNAL CONTROLS OVER DAVID INFORMATION

DAVID
DRIVER AND VEHICLE
INFORMATION DATABASE



FLORIDA
A SAFER
HIGHWAY SAFETY AND MOTOR VEHICLES

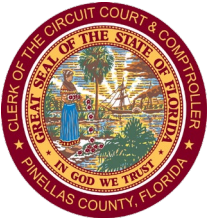


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REPORT NO. 2022-05
MARCH 18, 2022



Ken Burke, CPA

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Recorder of Deeds
Clerk and Accountant of the Board of County Commissioners
Custodian of County Funds
County Auditor

March 18, 2022

Teresa Del Rio, Executive Director, Court and Operational Services Division
Connie Daniels, Director, Court and Operational Services Division

We have conducted an audit of the Clerk's Office Internal Controls Over Driver and Vehicle Information Database Information, per management request.

We identified no Opportunities for Improvement as a result of the audit.

We appreciate the cooperation shown by the staff of the Clerk's Office during the course of this review.

Respectfully Submitted,

Melissa Dondero
Inspector General/Chief Audit Executive

cc: Ken Burke, CPA, Clerk of the Circuit Court and Comptroller



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INTRODUCTION

Abbreviations

Board	Board Of County Commissioners
Clerk	Clerk of the Circuit Court and Comptroller
Clerk's Office	The Office of Clerk of the Circuit Court and Comptroller
County	Pinellas County
DAVID	Driver and Vehicle Information Database
DHSMV	Florida Department of Highway Safety and Motor Vehicles
DPPA	Driver's Privacy Protection Act
MOU	Memorandum of Understanding
POC	Point of Contact

Executive Summary

At the request of management in the office of the Clerk of the Circuit Court and Comptroller (Clerk's Office), we conducted an audit of the Clerk's Office Memorandum of Understanding (MOU) with the Florida Department of Highway Safety and Motor Vehicles (DHSMV) to access the Driver and Vehicle Information Database (DAVID) system. The objectives of our audit were to:

1. Ensure the Clerk's Office had adequate policies and procedures in place addressing DAVID data access, distribution, use, modification, and disclosure.
2. Ensure access of the Clerk's Office to the DAVID system was adequately managed.
3. Ensure the Clerk's Office used appropriate logging and monitoring tools to manage DAVID access and use.
4. Ensure DAVID information was obtained for legitimate business purposes.
5. Ensure the Clerk's Office had adequate physical security to protect confidential DAVID data from unauthorized access and use.

Overall, we found the controls of the Clerk's Office over access to DAVID to be sufficient to protect the access, distribution, use, modification, and release of motor vehicle data. Our review revealed the Clerk's Office had formal policies and procedures regarding the use of the DAVID system and the data as well as data confidentiality. The policies and procedures regarding DAVID were adequate and addressed key requirements of the MOU.

DAVID users were aware of DAVID security policies, the confidential nature of DAVID information, and understood the potential criminal sanctions for misuse of DAVID information. The DAVID application required users to acknowledge their understanding that all data in DAVID was sensitive and privileged information, as well as the possible sanctions for the unauthorized use of data, each time they logged in. DAVID users were also required to complete annual security awareness training. Additionally, although no longer required by the DHSMV, all new DAVID users sign the "State of Florida Department of Highway Safety and Motor Vehicles Driver and Vehicle Express Access Authorization Request" form.

The DAVID point of contact (POC) ensured the DAVID passwords were safeguarded from unauthorized access and distribution by using a controlled process for the granting of new DAVID user credentials. The Clerk's Office also secured its workspace physically by badge access.

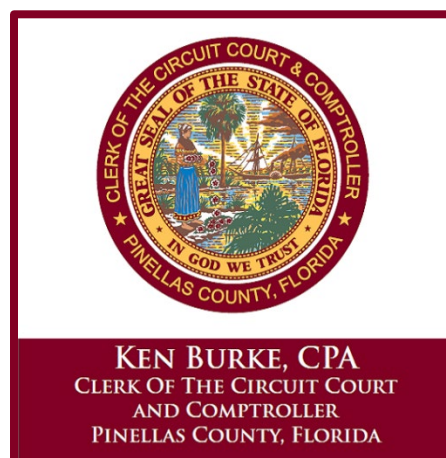
We also determined the Clerk's Office employed adequate logging and monitoring tools to ensure DAVID was used appropriately. Specifically, if DAVID information is printed, the procedure is to shred immediately following the information no longer being needed. If printed DAVID information needs to be stored overnight, the procedure is to lock it in the desk of the employee who printed the information. The oversight of DAVID user access by the POC ensured the access was authorized.

The Clerk's Office completed and submitted its Annual Certification Statements to the DHSMV, and the POC completed the Quarterly Quality Control Review Reports, as required by the MOU.

We identified no issues regarding the adherence of the Clerk's Office to the MOU requirements.

Background

Ken Burke serves as the Clerk of the Circuit Court and Comptroller (Clerk) for Pinellas County (County), Florida. He was sworn in on January 4, 2005, and was re-elected without opposition in 2008, 2012, 2016, and again in 2020. The Clerk is a Constitutional Officer who derives authority and responsibility from constitutional and statutory provisions. The Clerk is elected to serve a four-year term by the County voters. The Clerk's functions include County treasurer, recorder, auditor, finance officer, and ex-officio Clerk of the County Commission and duties include managing all Courthouse records and a budget of approximately \$60 million and approximately 530 employees.



The Clerk's Office is authorized under the Florida State Constitution, Article V, Section 16 with the following duties enumerated in statute, rules of court, and local procedure:

1. As Clerk Of The Circuit And County Court
 - Maintains custody of court records
 - Maintains custody of all related pleadings filed
 - Secures evidence entered in court
 - Ensures integrity of court files is protected
 - Collects and disburses court fines and assessments and court-ordered child support
 - Summons prospective jurors
2. As Recorder Of Deeds
 - Maintains County official records and ensures their integrity is protected
3. As Clerk And Accountant Of The Board Of County Commissioners (Board)
 - Maintains official records of the Board
 - Maintains County financial records and prepares financial reports
4. As Custodian Of All-County Funds
 - Receives and records County revenue
 - Invests County funds
 - Pre-audits and processes County payments

5. As County Auditor

- Performs comptroller function in pre-audit of invoices before payment
- Performs Inspector General audits and investigations on County departments

6. As An Elected Official

- Delivers quality service in the most cost-effective manner
- Serves as a trustee in handling collection and disbursements of funding for numerous agencies
- Serves as "watchdog" for the citizens to ensure funds expended are only for a public purpose and for the benefit of the public as a whole

To fulfill these duties, the Clerk has established divisions as follows:

- Clerk's Administration
- Clerk's Technology
- Court and Operational Services
- Finance
- Inspector General

The Court and Operational Services Division is responsible for a myriad of functions including:

- Civil Court Records
- Clerk's Customer Information Center
- Criminal Court Records
- Criminal Court Customer Service
- Branch Operations

Memorandum of Understanding



**MEMORANDUM OF UNDERSTANDING
FOR GOVERNMENTAL ENTITY ACCESS TO
DRIVER AND VEHICLE INFORMATION DATABASE SYSTEM (DAVID)
Contract Number HSMV-0425-19**

This Memorandum of Understanding (MOU) is made and entered into by and between
PINELLAS COUNTY CLERK OF THE CIRCUIT COURT and COMPTROLLER _____, hereinafter referred
to as the Requesting Party, and the Florida Department of Highway Safety and Motor Vehicles, hereinafter
referred to as the Providing Agency, collectively referred to as the Parties.

The Clerk signed a Memorandum of Understanding (MOU) with the Florida Department of Highway Safety and Motor Vehicles (DHSMV) on February 13, 2019, that allows Clerk of the Circuit Court employees to access the Driver and Vehicle Information Database (DAVID). The DHSMV fully executed the MOU on March 4, 2019.

DAVID provides secure, web-based access to driver license identity information, driver license transactions, driver records, and vehicle title and registration data. Court and Operational Services Division staff uses DAVID primarily to perform such activities as the following:

- Search driver license numbers for citations
- Search vehicle tag numbers to find the registered owners
- Process impound orders for driving under the influence cases
- Perform front counter activities such as current address lookups for subpoenas

DAVID contains confidential personal information protected by Chapter 119, Florida Statutes, and the Driver's Privacy Protection Act (DPPA).

As required by the agreement with the DHSMV, the Clerk's Office must secure all data associated with the DAVID database. Section III. of the MOU states the following:

"Under this MOU, the [Clerk's Office] will be provided, via remote electronic means, information pertaining to driver licenses and vehicles, including personal information authorized to be released pursuant to Section 119.0712(2), Florida Statutes and DPPA. By executing this MOU, the [Clerk's Office] agrees to maintain the confidential and exempt status of any and all information provided by the [DHSMV] pursuant to this agreement and to ensure that any person or entity accessing or utilizing said information shall do so in compliance with Section 119.0712(2), Florida Statutes and DPPA."

Section VI. B. of the MOU states the following pertaining to the required internal control attestation:

***"Internal Control Attestation** - This MOU is contingent upon the [Clerk's Office] having appropriate internal controls in place at all times that data is being provided/received pursuant to this MOU to ensure that the data is protected from unauthorized access, distribution, use, modification, or disclosure. The [Clerk's Office] must submit an Attestation Statement from their Agency's Internal Auditor, Inspector General, Risk Management IT Security Professional, or a currently licensed Certified Public Accountant, on or before the third and sixth anniversary of the agreement or within 180 days from receipt of an Attestation review request from the [DHSMV]. The Attestation Statement shall indicate that the internal controls over personal data have been evaluated and are adequate to protect the personal data from unauthorized access, distribution, use, modification, or disclosure. The Attestation Statement shall also certify that any and all deficiencies/issues found during the review have been corrected and measures enacted to prevent recurrence."*

Section VII. of the MOU states the following regarding the term of the MOU:

"This MOU shall take effect upon the date of last signature by the Parties and shall remain in effect for six (6) years from this date unless sooner terminated or cancelled in accordance with Section IX, Termination."

SCOPE AND METHODOLOGY

We have conducted an audit of the internal controls used to protect personal data obtained through the DAVID application from unauthorized access, distribution, use, modification, and disclosure.

The scope of the audit was the MOU between the Clerk's Office and the DHSMV to access the DAVID application and associated security and confidentiality requirements. The Clerk signed the MOU on February 13, 2019, and the DHSMV fully executed the MOU on March 4, 2019.

The audit period was March 4, 2019, through March 3, 2022. However, we did not limit the review of transactions and processes by the audit period and scope.

During the audit, we performed the following:

1. Interviewed individuals responsible for administering DAVID to obtain a clear understanding of how DAVID is accessed and used
2. Reviewed policies and procedures addressing DAVID access, distribution, use, modification, and disclosure
3. Reviewed documents completed and submitted to the DHSMV, as required in the DAVID MOU, including the Quarterly Quality Control Review Report and the Annual Certification Statement
4. Obtained an understanding of the available DAVID monitoring and reporting tools as well as the frequency of management's review
5. Tested, on a sample basis, user DAVID access during the audit period to verify the following:
 - a) The inquiry date and time was within normal Clerk's Office business hours
 - b) The inquiry was related to a proper business function
 - c) Repeated searches were appropriate
 - d) The inquiry was not performed on relatives, celebrities, or political figures
 - e) Access to Emergency Contact Information was appropriate
6. Reviewed physical security controls in place to restrict access to employee workstations and confidential DAVID output

OBJECTIVES AND OUTCOMES

The objectives of the audit were to:

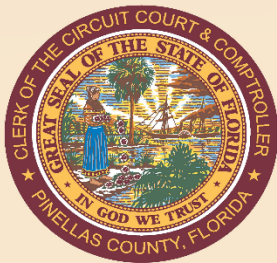
1. Ensure adequate policies and procedures were in place addressing DAVID data access, distribution, use, modification, and disclosure
2. Ensure access to the DAVID system was adequately managed
3. Ensure appropriate logging and monitoring tools were used to manage DAVID access and use
4. Ensure DAVID information was obtained for legitimate business purposes
5. Ensure adequate physical security existed to protect confidential DAVID data from unauthorized access and use

As a result of the audit, we determined:

1. The policies and procedures were adequate to address DAVID access, distribution, use, modification, and disclosure. The Clerk's Office had formal policies and procedures regarding DAVID that were adequate and addressed key requirements of the MOU. Staff was required to acknowledge that all data in DAVID was sensitive and privileged information, as well as the possible sanctions for the unauthorized use of data, each time they logged in. Staff was also required to complete annual security awareness training.
2. The access to DAVID was adequately managed. The Clerk's Office POC had a controlled process for issuing new user credentials and for removing unnecessary access. The Clerk's Office POC generated and reviewed quarterly user activity reports to ensure appropriate usage by all authorized users and completed the required Quarterly Quality Control Review Report.
3. Appropriate logging and monitoring tools were used to manage DAVID access and use. The Clerk's Office completed and submitted its Annual Certification Statement to the DHSMV as required by the MOU.
4. The DAVID queries for the audit period listed above were directly related to business-related purposes.
5. There were adequate physical security controls in place to protect confidential DAVID data from unauthorized access and use. The Clerk's Office occupied a secure space and printing of DAVID information was minimal and controlled.

We identified no issues regarding adherence of the Clerk's Office to the MOU requirements.

Our audit was conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing* and the *Principles and Standards for Offices of Inspector General*, and accordingly, included such tests of records and other auditing procedures, as we considered necessary in the circumstances.



DIVISION OF INSPECTOR GENERAL

KEN BURKE, CPA
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER
PINELLAS COUNTY, FLORIDA

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